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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,333	03/18/2004	Takeshi Idemura	1232-5343	7006
27123 7590 03/24/2008 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				
EXAMINER KHAN, USMAN A				
ART UNIT 2622		PAPER NUMBER		
NOTIFICATION DATE 03/24/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/804,333

Applicant(s)

IDEMURA ET AL.

Examiner

USMAN KHAN

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7, 13, 16 and 18-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 13, 16 and 18-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed on 02/11/2008 with respect to claims 7, 13, 16, and 18 - 23 have been considered but are moot in view of the new ground(s) of rejection.

Regarding objection to claims 7, 13, 16, and 18 provided in the previous office action. Applicant has amended the claims to overcome the objections to claims.

DETAILED ACTION

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/2008 has been entered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 7, 13, 16, and 18 - 23 are rejected under 35 U.S.C. 102(b) as being anticipated by FUJIMOTO et al. (JP 11084212 A [Note: in this Office Action the examiner refers to the PAJ online translation of JP 11084212 A provided by the examiner when discussing FUJIMOTO et al.]).

Regarding **claim 7**, FUJIMOTO et al. teaches an operation apparatus which is used for operating a zoom lens comprising: a zooming switch which is operated to perform a zooming operation (Drawing 2 item 13) of the zoom lens (Drawing 2 item 3); an operation switch which is operated to set a relationship between a pressed amount of the zooming switch and a zoom speed of the zoom lens (Drawing 3; and Means and Detailed Description section paragraph 0038 *et seq.* [Also abstract translation attached with the Japanese reference]); and a display member which displays information on the relationship (Drawing 10).

Regarding **claim 16**, FUJIMOTO et al. teaches an image-taking device (figure 2, the camera shown in the drawing), comprising: the operation apparatus according to claim 7 (see discussion of claim 7 above); and the zoom lens (Drawing 2 item 3).

Regarding **claim 22**, FUJIMOTO et al. teaches a camera comprising (figure 2, the camera shown in the drawing): an image-pickup element (Means and Detailed Description section paragraph 0019 *et seq.*; CCD); the operation apparatus according to claim 7 (see discussion of claim 7 above); and a lens apparatus which includes the zoom lens (Drawing 2 item 3).

Regarding **claim 13**, FUJIMOTO et al. teaches an operation apparatus which is used for operating an image-taking device (figure 2, the camera body shown in the drawing), comprising: a function switch (Drawing 2 item 13); an operation switch which is operated to allocate one of a plurality of functions to the function switch (Drawing 3; and means and detailed description section paragraph 0038 et seq. [Also abstract translation attached with the Japanese reference]); and a display member which displays information on the function allocated to the function switch (Drawing 10).

Regarding **claim 18**, FUJIMOTO et al. teaches an image-taking system (figure 2, the camera shown in the drawing), comprising: the operation apparatus according to claim 13 (see discussion of claim 13 above); and the image-taking device (Drawing 2 item 3).

Regarding **claim 19**, FUJIMOTO et al. teaches wherein the image-taking device is a lens apparatus (Drawing 2 item 3).

Regarding **claim 20**, FUJIMOTO et al. teaches the operation apparatus according to claim 13, further comprising a second function switch, wherein the operation switch can allocate the function to the second function switch, and wherein the display member simultaneously displays the functions allocated to the two function switches (Drawing 2 item 11; the function of the result of the user pressing these

switches 11 for performing record of a taken image or performing various setting out of a video camera, etc can be seen on the screen such as shown in Drawing 10 "PAUSE").

Regarding **claim 21**, FUJIMOTO et al. teaches wherein the image-taking device is a lens apparatus (Drawing 2 item 3).

Regarding **claim 23**, FUJIMOTO et al. teaches a camera comprising (figure 2, the camera shown in the drawing): an image-pickup element (Means and Detailed Description section paragraph 0019 *et seq.*; CCD); the operation apparatus according to claim 7 (see discussion of claim 7 above); and a lens apparatus which is the image-taking device (Drawing 2 item 3).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

SATO et al. (JP 03082279 A) teaches displaying of the zoom lens speed and characteristics.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usman Khan whose telephone number is (571) 270-1131. The examiner can normally be reached on Mon-Thru 6:45-4:15; Fri 6:45-3:15 or Alt. Fri off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Usman Khan/

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03/12/2008
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